

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD**

REGULAR BOARD MEETING

FINAL MINUTES

June 15, 2021

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED
MSF = MOTION: MADE, SECOND: FAILED)**

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 9:00 A.M. ON JUNE 15, 2021. BOARD MEMBERS BRAD COMPTON (CHAIRMAN) AND LOUISE STARK WERE PRESENT IN PERSON AND PARTICIPATING BY CONFERENCE CALL WAS BOARD MEMBER ZACH MASON. EXECUTIVE DIRECTOR LORI THOMASON, OFFICE STAFF TERESA SAUCEDA, BOARD LEGAL COUNSEL JOAN CALLAHAN WERE PRESENT IN PERSON AND PARTICIPATING BY CONFERENCE CALL WERE LEGAL COUNSEL ROGER HALES AND PROSECUTING ATTORNEY MIKE KANE.

ROLL CALL – A roll call was taken. It was noted that Tammy Overacker Board member was not in attendance.

Paul Aguilar – New Guide License Application Hearing – A new guide license application hearing was conducted by the Board's Prosecuting Attorney Mike Kane. Paul Aguilar, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by Board policy, had deferred Mr. Aguilar's new guide license application due to Enforcement Division's review and scoring of Mr. Aguilar's disclosed felony and undisclosed misdemeanor convictions on his application. Mr. Aguilar is seeking a new guide license for Silver Creek Outfitters Inc and Sawtooth Fishing Guides LLC. Mr. Aguilar testified, and certain exhibits were introduced into evidence. **MSC (MOTION: STARK; SECOND: MASON; AYES – COMPTON, MASON AND STARK; NAYES – NONE) TO GRANT MR. AGUILAR A NEW GUIDE LICENSE WITH NO RESTRICTED PROBATION.**

Jase Groesbeck – New Guide License Application Hearing – A new guide license application hearing was conducted by the Board's Prosecuting Attorney Mike Kane. Jase Groesbeck, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by Board policy, had deferred Mr. Groesbeck's new guide license application due to Enforcement Division's review and scoring of Mr. Groesbeck's Illinois Fish and Game conviction disclosed on his application. Mr. Groesbeck is seeking a guide license for employment with Boulder Creek Outfitters Inc. Mr. Groesbeck testified, and certain exhibits were introduced into evidence. **MSC (MOTION: STARK; SECOND: MASON; AYES – COMPTON, MASON AND STARK; NAYES – NONE) TO GRANT MR. GROESBECK A NEW GUIDE LICENSE WITH NO RESTRICTIONS.**

Kevin Miley-Eckstein – New Guide License Application Hearing – A new guide license application hearing was conducted by the Board's Prosecuting Attorney Mike Kane. Kevin Miley-Eckstein, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by Board policy, had deferred Mr. Miley-Eckstein's new guide license application due to Enforcement Division's review and scoring of Mr. Miley-Eckstein's felony and misdemeanor convictions disclosed on his application. Mr. Miley-Eckstein is seeking a guide license for employment with America's Rafting Company LLC. Mr. Miley-Eckstein testified, and certain exhibits were introduced into evidence. **MSC (MOTION: MASON; SECOND: STARK; AYES – COMPTON, MASON AND STARK; NAYES –**

NONE) TO GRANT MR. MILEY-ECKSTEIN A NEW GUIDE LICENSE WITH ONE YEAR RESTRICTED LICENSE AND NO FINE ASSESSED.

Coy J Ocain – New Guide License Application Hearing – A new guide license application hearing was conducted by the Board's Prosecuting Attorney Mike Kane. Coy Ocain, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by Board policy, had deferred Mr. Ocain's new guide license application due to Enforcement Division's review and scoring of Mr. Ocain's felony and misdemeanor convictions disclosed on his application. Mr. Ocain is seeking a guide license for employment with Oswald Pack Camp LLC. Mr. Ocain testified, and certain exhibits were introduced into evidence. **MSC (MOTION: STARK; SECOND: MASON; AYES – COMPTON, MASON AND STARK; NAYES – NONE). TO GRANT MR. OCAIN A NEW GUIDE LICENSE WITH ONE YEAR UNRESTRICTED PROBATION.**

Jesse T Kay – Disciplinary and Guide License Renewal Hearing – A disciplinary and guide license renewal application hearing was conducted by the Board's Prosecuting Attorney Mike Kane. Jesse T Kay, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by Board policy, had deferred Mr. Kay's guide license renewal application due to Enforcement Division's review and scoring of Mr. Kay's Fish and Game conviction disclosed on his application, and an Administrative Complaint had been issued because the fish and game conviction occurred while licensed. Mr. Kay is seeking a guide license for employment with Northwest River Expeditions Inc. Mr. Kay testified, and certain exhibits were introduced into evidence. **MSC (MOTION: STARK; SECOND: MASON; AYES – COMPTON, MASON AND STARK; NAYES – NONE) TO FIND MR. KAY VIOLATED THE BOARD'S LAWS AND RULES AS SET FORTH IN THE ADMINISTRATIVE COMPLAINT AND BASED UPON THE EVIDENCE PRESENTED TODAY.**

MSC (MOTION: STARK; SECOND: MASON; AYES – COMPTON, MASON AND STARK; NAYES – NONE) TO IMPOSE A FINE OF \$100.00 AND TO GRANT MR. KAY AN UNRESTRICTED GUIDE LICENSE.

Mr. Hales and Mr. Kane left and Ms. Callahan joined the meeting at 10:43 a.m.

EDUCATION AND ENFORCEMENT SUPERVISOR'S REPORT – Director Thomason explained to the Board that IOGLB enforcement agents have been actively working Idaho's lakes and rivers doing boat patrols and river checks. The patrols yielded one outfitter with more boats than allowed, guides not carrying their licenses on them, and two boats that had motors on a float boat only section on one of Idaho's rivers. Additional patrols are scheduled for July through October as approved by DOPL Administrator Russ Barron. DOPL will be working with Director Thomason on hiring for the enforcement position, and that the enforcement position will no longer require POST certification.

DIRECTOR'S REPORT – Director Thomason informed the Board that the MOU between the Board, United States Forest Service and the Bureau of Land Management will expire in September of this year. Director Thomason stated that she had contacted Jeff Ward, Steve Schied and Robin Fehlau and has scheduled a meeting for July 13, 2021, to discuss the reissuance of the expiring MOU. Ms. Thomason said during that conversation she and Mr. Ward discussed the Board's request to start an overlap agreement in the Middle Fork Zone. Director Thomason went on to explain that she had also contacted Celina Morino the permitting administrator from the Sawtooth National Forest relative to the vacated Stan Potts area asking for a timeline as to when the prospectus would be issued. Director Thomason provided a budget overview to the Board on the revenue and operating costs for FY 2021.

IDFG UPDATE - Jon Rachael, Regional Supervisor with the Idaho Department of Fish and Game (IDFG), appeared before the Board and gave an update. **Chinook Salmon Fishery Season** – Anticipate the Snake River Chinook fishery will remain open for several more weeks. The Lower Salmon River has closed on Sunday June 6th. Clearwater River opened June 4th is running Thursday through Sunday with 4 jacks as the daily bag limit with no adults which may be taken. On the Little Salmon River, the Director signed a closure order that will close that fishery effective end of fishing hours, 10:00 p.m. on Friday. The South Fork of the Salmon River will be opening a limited fishery again. That will open Saturday June 26th through Sunday then resume the following Thursday through Sunday until it is closed by order of the Director, this is projected that will be through Sunday July 4th. One adult per day 4 total daily. **Wolf Management** - Senate Bill #1211 has resulted in the Department having to adjust seasons and methods of take that were set in the March big game season meeting. The Commission met by conference call on June 3rd and approved posting for public input proposals to make those adjustments via our website through Sunday. Over 22,000 individuals who took the opportunity to weigh in expressing their support or opposition with half of those individuals reported as being from Idaho. There is a Wildlife Bureau team working through those comments to make final recommendations, which will be presented to the Commission on a conference call meeting scheduled for 9:00 this coming Thursday. Hunting and trapping seasons for foot-hold traps will be open year-round on private lands. The seasons that the Commission set by proclamation that determine when snares may be used, are not proposed to change, so depending on the unit, snares would be allowed October 10 through March 31 or November 15 through March 31 where there is a trapping season. On public lands, there are no changes proposed to any of the trapping seasons from what was set in March. The bulk of the changes the Commission will be addressing have to do with hunting. In the proposal package we address expanded methods of take that would be allowed year round on private lands, and on public lands between November 15 and March 31 in 43 game management units. The Commission has identified those game management units that meet one of the following conditions:

1. History of chronic wolf depredation on livestock
2. Elk populations are below Commission-set objectives for the zone
3. The Department has a predation management plan in place for those elk zones

If those conditions are met on public lands, expanded methods of take would be allowed November 15 through March 31. Expanded methods of take that are being considered on private lands only at this point. The proposal would also allow the use of bait for hunting wolves with landowner permission on private land-only, but not on public land. Currently, it is legal to take a wolf that comes into bait incidental to a bear hunt, but other than that you could not take a wolf over placed bait. The proposed changes would allow an exemption from the regular big game shooting hours, with permission of the landowner on private lands, or with a special permit on public lands. There would be no weapons restrictions on private lands or in those 43 game management units on public lands between November 15 and March 31; and motorized vehicle restrictions would not apply. The proposed changes would legalize the use of dogs to pursue or attract wolves, and no hound hunter permit would be required. There would be no aerial shooting of wolves during hunting seasons permitted because that is precluded by the Federal Airborne Hunting Act. In the near future, the ability to utilize airborne shooting tied to specific wolf depredations on livestock, may be allowed with a permit issued by the Idaho Department of Agriculture. In response to legislative action in the states of Idaho and Montana, the Center for Biological Diversity did petition the US Fish and Wildlife Service at the end of May for an emergency relisting of wolves in the Northern Rockies. The US Fish and Wildlife Service has 90 days to respond. **Big Game Season Setting** – Resident elk tags for capped elk zones will go on sale on July 12th. The exception to that is the highly popular Sawtooth zone elk tags which will go on sale on July 14th. Implemented this year for the first time is the Commission's adopted 5 day waiting period. Anyone who has applied for an elk controlled hunt must wait 5 days from the time capped elk zones go on sale to purchase a tag for one of the capped elk zones. This will take them out of the game in these highly sought after capped elk tags that sell out quickly. Sawtooth tags will again be managed as they have been in recent past years, where half the tags will be released for purchase to

individuals in-person-only at license vendors starting at 10:00 mountain time on the 14th. The second half will go on sale for purchase online-only at 1:00 pm.

THE BOARD RECESSED at 12:00 P.M.

THE BOARD RECONVENED AT 1:00 P.M.

EXECUTIVE SESSION - MSC (MOTION: STARK; SECOND: MASON; AYES – STARK, MASON AND COMPTON; NAYES – NONE) TO GO INTO EXECUTIVE SESSION TO DISCUSS RECORDS EXEMPT FROM DISCLOSURE AND DISCUSS WITH LEGAL COUNSEL CONTROVERSIES NOT YET LITIGATED PURSUANT TO I.C. § 74-206(1)(d),(f) AT 1:03 P.M.

MSC (MOTION: STARK; SECOND: MASON; AYES – STARK, MASON AND COMPTON; NAYES – NONE) TO COME OUT OF EXECUTIVE SESSION WITH NO DECISION MADE AT 1:32 P.M.

PETITIONS FOR RECONSIDERATION AND OBJECTIONS TO CALCULATIONS FOR THE DESIGNATION OF ALLOCATED TAGS:

Middlefork Ranch, Inc. Objection – Mike Narachi representing Middlefork Ranch Inc appeared before the Board objecting to the designation of allocated tags for controlled hunt #1157. Middlefork Ranch had provided information that its use of allocated tags was higher than what was reported on the use report. Board Counsel noted that the calculation did not reflect the Board's December 2020 order granting Middlefork Ranch's hardship request and deeming that it had used 12 allocated tags in Hunt 1160 in 2020. **MSC (MOTION: STARK; SECOND: MASON; AYES – STARK, MASON AND COMPTON; NAYES – NONE) TO RECALCULATE CONTROLLED HUNT #1157 TO REFLECT THE BOARD'S PRIOR ORDER FROM DECEMBER 2020.**

Wild Idaho Outfitters, Inc. Objection – George McQuiston representing Wild Idaho Outfitters, Inc. appeared before the Board objecting to the designation of allocated tags for controlled hunt #1157. Mr. McQuiston stated that the use data did not make sense where the outfitters would have used so few tags in Hunt 1160 in 2019 and 2020, and he asserted Wild Idaho's use for Hunt 1160 was included in the use report for Hunt 1017 because those type of tags had always been in Hunt 1017. The Board discussed the timing and creation of Hunt 1160 and Hunt 1017. The Board also reviewed aggregate use data available from Idaho Fish and Game for the hunts and prior use designations for Hunt 1160. The Board also noted that the tags for Hunt 1157 will be recalculated based on the prior motion. **MSC (MOTION: COMPTON; SECOND: STARK; AYES – STARK, MASON AND COMPTON; NAYES – NONE) TO FIND WILD IDAHO DID NOT SUBMIT EVIDENCE SUFFICIENT TO MEET ITS BURDEN BUT TO GRANT THE OBJECTION AND PETITION FOR RECONSIDERATION FOR CONTROLLED HUNT #1157 ON OTHER EVIDENCE AND GROUNDS, AND PROVIDE THE OPPORTUNITY FOR OUTFITTERS IN HUNT #1157 TO PROVIDE VERIFICATION OF USE FOR 2019 TO 2020 IN HUNT 1160 AND SUBTRACT ADDITIONAL VERIFIED USE IN HUNT 1160 AS OVERREPORTED USE IN HUNT 1017.**

OFFICE SUPERVISOR'S REPORT – Executive Director Lori Thomason acting Office Supervisor, reported on the status of past minutes which are backlogged but currently being worked on. **ALLOCATION** – Director Thomason has been granted access to Fish & Game's Go Outdoors Idaho system to report designations for allocation. **SWIFTWATER SAFETY INSTITUTE LLC** – Eric Riley is requesting to conduct motor boat operations safety courses on SA8 and SS1. The Board discussed that this matter should be considered as part of the rule making process to capture this licensee's operation.

OUTFITTER LICENSE RENEWALS - 8 outfitters have not renewed. Director Thomason continued that Outfitters have until June 30 to complete their outfitter renewal and if they do not renew by that date they will have to reapply. **License Review** – Outdoor Grip Mr. Selby has submitted a Technical Mountaineering outfitter license application, which received a recommendation for approval from the Technical Advisory Committee. **MSC (MOTION: MASON; SECOND: STARK; AYES – STARK, MASON AND COMPTON; NAYES – NONE) GRANT MR. SELBY'S OUTFITTER LICENSE APPLICATION FOR TECHNICAL MOUNTAINEERING.**

Cont. - Little Wood River Outfitters LLC, Steve Sobotka – Amendment request to add antelope, moose and cougar. The Board discussed IDFG's Comment Form where it noted lion hunting is concentrated on low-elevation winter ranges, and there is a potential for conflict with non-outfitted hunters.

MSC (SUBSTITUTE MOTION: COMPTON; SECOND: MASON; AYES – STARK, MASON AND COMPTON; NAYES – NONE) TO \ AMEND THE LICENSE FOR LITTLE WOOD RIVER OUTFITTERS, LLC AS REQUESTED EXCEPT FOR ALLOWING ONLY 3 HUNTERS FOR COUGAR HUNTING.

American Disability Act (ADA) Discussion – Big Wood River - Silver Creek Outfitters, Inc. Terry Ring – The Board reviewed correspondence from outfitter Terry Ring who was requesting direction about a specific accommodation using small boats to help stabilize individuals with disabilities on a river that is licensed for walk and wade but no float boating activities. The Board directed staff to respond to Terry Ring referring him to the applicable rules and that the Board cannot provide individual legal advice.

Anne Lawler, DOPL Section Chief for Occupational Licenses was introduced to the Board.

Rules and Statue Review – Legal Counsel Callahan reported that the Idaho Legislature appears to have not fully adjourned this year, so the Board will continue with the temporary rules that are currently in place until there is sine die, at which time the pending rules will become final, codified rules. .

Cont. - Petitions for Rulemaking the Board reviewed two petitions for rulemaking. The first was from Kyle-Ellison, Wai Mauna requesting float boat guiding on the Palisades reservoirs in Idaho. The second was from Adam Bass, Boise River Outdoor Opportunities, LLC requesting Boise River BO2 increase the number of outfitter licenses from 2 to 4. Based on the existing guidance from the Division of Financial Management, rule changes should be done during Board's zero-based rulemaking year.

MSC (MOTION: MASON; SECOND: STARK; AYES – STARK, MASON AND COMPTON; NAYES – NONE) DENY BOTH PETITIONS BUT MOVE THEM FORWARD TO ZERO BASED RULE MAKING IN 2022.

Cont. – Chairman Compton requested an update on the Petition for Judicial Review for Bear River A deer tags in unit 75 and 76 filed by Sportsman's Hunting LLC Ash Jenkins. The record has been settled and filed with the court. In Board Legal Counsel Callahan's discussions with opposing legal counsel, they are willing to stipulate to an expedited briefing schedule, recognizing it is in all party's best interest to receive a decision as soon as possible. However, opposing counsel is currently unavailable. Opposing counsel had also asked about the stipulation provisions of the rule, and Board counsel had communicated that the Board has favorably looked on stipulations in the past. It is very unlikely that there will be resolution prior to the July 19th deadline for outfitters to pick up their designated tags before the tags go into the pools or before Fish & Game's deadline to pick up allocated tags by July 30th before allocated tags are turned back and sold to the public. There is a partial stay order that only allows some of the allocated tags to be purchased for these hunts. The Board will likely need to take action on the stay in advance of the deadlines to purchase allocated tags.

FINANCIAL REPORT – Director Thomason stated that she gave the year end financial report that was in the Director's Report this morning, and she provided financial plan reports and budget analysis reports for March, April and May to the Board.

CONSENT AGENDA – The Board reviewed drafts of meeting minutes from December 2, 2020, February 1, 2021, and February 24, 2021. **MSC (MOTION: STARK; SECOND: MASON; AYES – STARK, MASON AND COMPTON; NAYES – NONE) ACCEPT THE DECEMBER 2, 2020, FEBRUARY 1, 2021 AND CORRECTED FEBRUARY 24, 2021 BOARD MEETING MINUTES.**

Cont. – Board Member Stark asked about the status of the Stan Potts area requested Staff contact Salmon/Challis National Forest to check on the status of this possible prospectus.

Public Comment – Chairman Compton opened up the Board Meeting to public comment.

Jeff Bitton wanted to thank Brad Compton for the public comment being added to Board agendas and for the work of the Board and Staff regarding working through the allocation system complexities.

MSC (MOTION: MASON; SECOND: STARK; AYES – STARK, MASON, AND COMPTON; NAYES – NONE) MOTION TO ADJOURN AT 3:40 PM


BRAD COMPTON, BOARD ACTING CHAIRMAN 8/10/21
DATE

ATTEST:


LORI THOMASON, EXECUTIVE DIRECTOR 8-10-21
DATE